

HUNT FOR SHAW PANEL NEARING HALFWAY POINT

T-P 1-24-69
Fifth and Sixth Jurors
Agreed Upon

By CLARENCE DOUCET

A 28-year-old microfilm printer and a 30-year-old petroleum engineer were accepted for jury duty late Thursday afternoon in the criminal conspiracy trial of Clay L. Shaw, becoming the fifth and sixth jurors agreed upon in three days of questioning.

Herbert John Kenison, the microfilm printer, was sworn in as a juror at 4:20 p.m. Twenty-three prospective jurors were excused prior to Kenison's acceptance, 18 of them during a rapid 26-minute parade to the witness stand during the morning session.

Kenison, who is married and has a 14-month-old child, is employed by Kalvar Corp. He resides at 8534 Edenborn.

James G. O'Quinn, a petroleum engineer for Chevron Oil Co., who was the last prospective juror called Thursday, was accepted and sworn in at 5:51 p.m., just minutes before Criminal District Court Judge Edward A. Haggerty, who will hear the case, adjourned the jury selection phase of the trial until 9 a.m. Friday.

O'Quinn is also married and has a six-year-old daughter. He lives at 6229 Brighton pl., Algiers.

Twelve jurors and two alternates will be selected.

ONE CHALLENGE EACH

The state and the defense each exercised one peremptory challenge Thursday: the defense to excuse John G. Cline, 46, and the state to excuse Richard B. Newcomb, 33. Newcomb's wife was excused by mutual consent during the morning session.

Judge Edward A. Haggerty, aware that he will probably exhaust the 169 prospective jurors on his court section's panel, set the wheels in motion at mid-afternoon to begin receiving the names of prospective jurors from

other sections of criminal district court.

By lot, the jury panel of Judge Frank Shea's section was selected as the first to be used for names of additional prospective jurors.

Shortly before adjourning un-

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til 9 a. m. Friday, Judge Haggerty announced in court that he has decided not to hold trial sessions on Sundays, as he had previously planned. He said that the trial will be held Mondays through Saturdays until its conclusion from 9 a. m. to noon and from 1:30 p. m. until 5:30 p. m.

On Tuesday and Wednesday of this week he had begun the jury selection sessions at 10 a. m., but apparently has decided to add an hour to them in an attempt to obtain the required 14 jurors — 12 jury members and two alternates — as soon as possible.

SIX SUBPENAED

Two jurors, Irvin Mason, 50, and Oliver M. Schultz, 39, were selected Tuesday, and two others, Williams Ricks Jr., 26, and Charles Eugene Ordes, 39, were picked Wednesday.

Meanwhile on Thursday the office of District Attorney Jim Garrison subpoenaed six new out-of-state witnesses, all related to events in Dallas, Tex., on Nov. 22, 1963, the day President John F. Kennedy was assassinated.

Shaw is charged with participating in a conspiracy to murder Kennedy.

Ordered to appear here Feb. 3 by the new subpoenas were:

—Mrs. Mary Moorman of Dallas, directed to bring with her a photograph she took at the scene of the assassination:

—Dr. Robert R. Shaw, Dallas, the physician who attended Gov. John Connally of Texas after he was shot while riding in the Kennedy car.

—James Altgens, Dallas, an Associated Press photographer, directed to bring with him photos he took at the assassination scene.

TWO POLICEMEN

—Meyer Goldberg of World Wide Photos, New York City, directed to bring with him negatives and prints of Altgens'

photos he allegedly possesses;

— Ptn. Bobby W. Hargis of the Dallas Police Department

— Ptn. Billy J. Martin of the Dallas Police Department.

Also, a subpoena for Robert Frazier, a firearms expert for the Federal Bureau of Investigation, was amended to be returnable on Feb. 3.

Hargis and Martin were part of the motorcycle escort in the Kennedy motorcade in Dallas on Nov. 22, 1963. Mary Moorman is not mentioned in the Warren Report but the author of one of the books critical of the report says she took a picture of the Kennedy motorcade at the time of the assassination from across the street from the Texas Book Depository, which the Warren Report says is the building from which Lee Harvey Oswald shot President Kennedy.

The Warren Commission said that Oswald acted alone.

FIXED OPINIONS

Shaw is charged with having conspired with Oswald, David W. Ferrie and others. He denies ever knowing either man as well as having conspired with them. Oswald and Ferrie are dead.

Fixed opinions on the part of prospective jurors, formed because of what they have "either read, seen, heard or discussed" about the case continue as the major factor in eliminating a large number of them from possible selection. Thus far 92 of the 169 names on Judge Haggerty's list have been used and this is the disposition:

Jurors accepted	6
Excused for:	
Fixed opinion	26
Medical reasons	12
Loss of pay	16
All other reasons	26
Challenges	6
Names remaining	77
Total	169

Both the state and the defense are entitled to 12 peremptory challenges, a legal vehicle by which they may excuse any prospective juror without giving a reason. Once these challenges have been exhausted

only the judge can excuse prospective jurors for cause.

EIGHT AND TEN

Thus far, the state has exercised four challenges and has eight remaining. The defense has exercised two and has 10 left.

It is still unclear what the state will attempt to prove after the jury is selected. James L. Alcock, an assistant district attorney who will handle most of the case for the prosecution, has repeatedly told prospective jurors that the state does not have to prove that Kennedy was killed as a result of the alleged conspiracy, but he has added, "although the state may prove this," indicating that the state may attempt to link the two. On Thursday Judge Haggerty emphasized that the charge of criminal conspiracy may be obtained even if the conspiracy did not result in the crime being committed for which the members conspired, i.e., a conspiracy to commit an armed robbery does not have to result in the armed robbery for conspirators to be found guilty. If there is an agreement between them and an overt act in furthering the object of the conspiracy, the crime of conspiracy has been committed.

'WOULD BE GUILTY'

Judge Haggerty said that there could have been 50 conspiracies in 50 different cities in the United States to assassinate President Kennedy and none of them had to result in his death. However, he added, if each of the 50 consisted of an agreement or meeting of the minds and an overt act, then the parties of each conspiracy would be guilty of the crime.

In his questioning of prospective jurors, F. Irwin Dymond, chief defense counsel, has emphasized that in addition to the two elements of the crime cited by the state—an agreement and an overt act—there is one other, and that is that the state must show "beyond reasonable doubt" that Shaw was a party to the alleged conspiracy. He has also said that while the state does not have to prove motive, jurors should consider it favorable to the defendant if no motive is shown.

It was necessary to call a

total of 42 prospective jurors on Thursday to obtain the two additional jurors. Judge Haggerty now has 77 prospective jurors remaining on his panel.

JUROR ONCE BEFORE

Kenison was the sixth prospective juror called during the afternoon and the 24th to be called during the day; O'Quinn was the 24th prospective juror to be called during the afternoon and the 42nd of the day.

During his questioning, Kenison said that about six years ago attorney Hugh Exnicious, one of the witnesses called by the defense, notarized a legal document for him concerning a boat sale, but, he added, this was the extent of his connection with the Jefferson Parish attorney.

O'Quinn, who said he had served on a criminal jury once before, about a year and a half ago, was questioned for about 10 minutes by the state and only a few minutes by the defense because each side announced its acceptance of him.

ABRUPT HALT

The morning session came to an abrupt end at 11:45 a. m., some 45 minutes after it started, when 18 consecutive prospective jurors were excused. The majority were excused because they said they had already formed a fixed opinion regarding the guilt or innocence of Shaw.

It took Judge Haggerty exactly 26 minutes to question the 18. Included among them was Mrs. Jo Ann Taylor Newcomb, the first woman called as a prospective juror in the case. Judge Haggerty thanked Mrs. New-

comb, a housewife, for volunteering for jury duty, but under questioning she said she had children and if she was selected for jury duty there would be no one to care for her family. The state and defense agreed to the excusal of Mrs. Newcomb.

In Louisiana, the names of women are placed on the jury panel only if they volunteer.

Of the 18 persons excused during the brief morning session, 13 said they had fixed opinions, two were excused because they would not be paid by their employers should they be accepted for jury duty; two, including Mrs. Newcomb, for reasons related to their families, and one because he did not meet citizen-

ship requirements for jury duty.

LIST OF PROSPECTS

These are the 18 persons excused Thursday morning and the order in which they appeared:

—Manuel P. Madrara, fixed opinion;

—Donald C. Becnel, fixed opinion;

—Tommie S. Portis, would receive no pay;

—Sidney R. Labat, fixed opinion;

—Glenn B. Barrett, fixed opinion;

—Clarence Smith, fixed opinion;

—Arthur W. Dorsey, would receive only one week's pay;

—Mrs. Newcomb, because there would be no one to care for her family;

—Frank J. Muller Jr., fixed opinion;

—John H. Schindler, fixed opinion;

—John L. Schmidt, fixed opinion;

—Donald J. Dicket, fixed opinion;

—Anthony O. Johnson Jr., would be concerned about his family which includes a two-month-old infant;

—John Paul Duet, fixed opinion;

—William F. Vincent, not a U.S. citizen, which is a requirement for jury duty;

—Walter C. Hannemann, fixed opinion;

—Henry Robert Ohlen, fixed opinion;

—Clarence Henry Jr., fixed opinion.

Excused during the afternoon session in this order were:

—Eston D. Sites, because he would not be paid by his employer.

—John Gustave Cline, peremptory challenge by the defense;

—Richard D. Newcomb, peremptory challenge by the state;

—Leon M. Levy Jr., because he would suffer a loss of part of his earnings;

—Henry W. Hermes, for medical reasons;

—John H. Franzier, because of his job at the Veterans Administration Hospital;

—Ronald Peter Herman, because he is attending law school at night at Loyola University;

—Andrew E. Freibert, because he would suffer a loss of part of his earnings;

—Edward James Parker, for

medical reasons;

—Frank Dotson, because he works on a commission basis and would lose earnings;

—Richard J. Becnel Jr., because he is attending night classes at Louisiana State University in New Orleans;

—Herbert E. Jones, fixed opinion;

—Julius J. Terjak, because his employer would pay him only for the first 30 days of jury duty;

—Elwood J. Heinsz, fixed opinion;

—Milton J. Becnel, because of his job as supervising principal of Carver Junior High School;

—Lucien J. Tujaque, for medical reasons;

—Frank Richards, fixed opinion;

—George Lee Mack, because he would receive no pay;

—Everard L. Durr, because

he is an acquaintance of one of Shaw's attorneys;

—John Heyd Jr., because of his position as secretary-treasurer for a business firm and the necessity of his presence at that position;

—Gilbert H. Smith, because of loss of earnings;

—Philip J. Zermott, because he would be concerned for his family over an extended period of time.

FBI Photo Analyst's Extradition, DA's Aim

WASHINGTON (AP) — New Orleans Dist. Atty. Jim Garrison begins extradition proceedings in court Friday against an FBI photographic analyst Garrison wants as a witness in the Clay Shaw conspiracy trial.

According to the extradition papers, Garrison hopes to use testimony by Lyndal L. Shaneyfelt of Alexandria, Va. to show that more than one person fired shots during the assassination of President John F. Kennedy.

Shaw is on trial now in New Orleans on charges of conspiring to bring about the Dallas killing.

Shaneyfelt has been subpoenaed to appear in a northern Virginia circuit court for a hearing on the extradition request. The papers say he was the FBI employe who analyzed the 16mm photographs of the assassination taken by amateur photographer Abraham Zapruder.

The Zapruder pictures were published by Life Magazine.

According to allegations in the extradition petition, Shaneyfelt will testify the Zapruder film was shot at a speed of 18.3 frames a second.

The Warren Commission, which investigated the assassination, reported the film was exposed at a slower speed. From this, the commission concluded that no more than the two bullets that struck Kennedy could have been fired within so few seconds.

Garrison will contend, according to the extradition documents, that the film's faster rate of speed will prove that more than two bullets could have been fired, within the time span.

There was no indication Thursday whether the Justice Department would oppose the extradition request. An official said only that any move made would not be announced before action in court.